

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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MAY 06 2014

APPEAL FROM FLORENCE COUNTY
Court of Common Pleas
Honorable R. Knox McMahon

SC Court of Appeals

72116

Case Nos. 2013-CP-21-1334 and 2013-ES-21-190

Eris Gail Smith,

Appellant,

v.

Judy Smith Jones,

Respondent.

MOTION FOR EXTENSION OF TIME TO FILE APPELLANT'S INITIAL BRIEF
AND DESIGNATION OF MATTER

Pursuant to Rules 208(a)(3) and 240 of the South Carolina Appellate Court Rules, Appellant Eris Gail Smith, requests a thirty (30) day extension of time to file its Initial Appellant's Brief and Designation of Matter in the above-captioned matter. This is the second request for an extension of this deadline.

This request is necessitated because Appellant's counsel Mitch Brown suffered a severe injury to his ankle requiring surgery and a lengthy recovery period and which will not allow him to complete the Initial Appellant's Brief and Designation of Matter within the current deadline. Appellant's counsel has consulted with counsel for Respondent and obtained their consent to this additional extension of time (See Attachment A). Currently, Appellant's Initial Brief and Designation are due on June 2, 2014. With the additional thirty (30) day extension, Appellant's Initial Brief and Designation will be due Wednesday, July 2, 2014, per Rule 263, SCACR.

Therefore, Appellant respectfully moves this Court for a thirty (30) day extension of time to file its Initial Brief and Designation of Matter in the above-captioned matter until July 2, 2014. **Appellant asks that the current deadline be held in abeyance pending the Court's consideration and resolution of this motion.**

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: 

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Attorneys for Appellant

Columbia, South Carolina

5/6, 2014

Other Counsel of Record:

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Attorneys for Eris Gail Smith

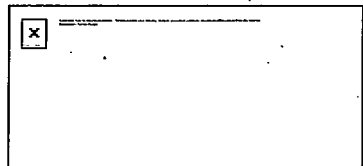
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Attorneys for Defendants

From: Payne, Jeff L. <JPayne@TurnerPadget.com>
Sent: Monday, May 05, 2014 11:47 AM
To: Brian Crotty
Cc: Meredith Keane
Subject: RE: In Re: Estate of Eris S. Smith - Appellate Case No. 2013-002810

Consent granted.

	Jeff L. Payne Attorney PO Box 5478 Florence, SC 29502 319 South Irby Street Florence, SC 29501 843-656-4432 Fax 843-413-5825 jpayne@turnerpadget.com Bio vCard Location
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From: Brian Crotty [<mailto:brian.crotty@nelsonmullins.com>]
Sent: Monday, May 05, 2014 11:46 AM
To: Payne, Jeff L.
Cc: Meredith Keane
Subject: In Re: Estate of Eris S. Smith - Appellate Case No. 2013-002810

Jeff,

This e-mail confirms our telephone conversation of a few minutes ago where by you consented to Appellant's motion for an additional 30 day extension of the deadline for filing its initial appellate brief and designation of matter. The current deadline is June 2, 2014. With the extension requested in the motion, the new deadline would be July 2, 2014.

As we discussed, the primary reason for the extension is that Mitch Brown recently suffered a severe broken ankle requiring surgery. We appreciate your concern for Mitch and your cooperation with our extension request.

If you would be so kind and to reply to this e-mail confirming your consent, it would be appreciated. Thank you.

Brian Crotty | 803-255-9422 | brian.crotty@nelsonmullins.com
Nelson Mullins Riley & Scarborough, LLP
1320 Main Street, 17th Floor
Columbia, SC 29201

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PROOF OF SERVICE

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Appellant, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

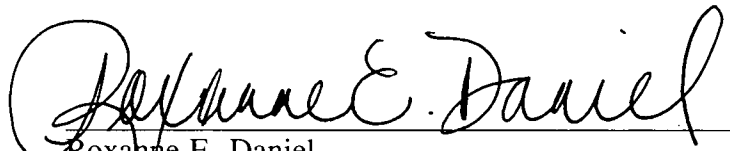
Pleadings: MOTION FOR EXTENSION OF TIME TO FILE
APPELLANT'S INITIAL BRIEF AND DESIGNATION OF
MATTER

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Attorneys for Defendants

A handwritten signature in black ink that reads "Roxanne E. Daniel". The signature is written in a cursive style with a large, circular initial "R" and a long, sweeping tail on the "l".

Roxanne E. Daniel
Administrative Assistant

May 6, 2014

Nelson Mullins

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May 6, 2014

VIA HAND-DELIVERY

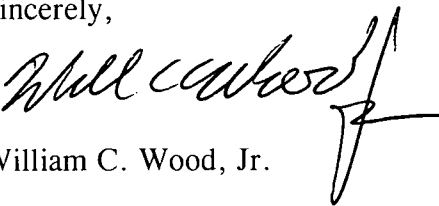
The Honorable Jenny Abbott Kitchings
Clerk of Court, SC Court of Appeals
1015 Sumter Street - 5th Floor
Columbia, SC 29201

RE: In the Matter of the Estate of Eris Singletary Smith
Appellate Case No. 2013-002810
Our File No. 42246/01500

Dear Ms. Kitchings:

Enclosed please find the original and seven copies of Appellant's Motion for an Extension of Time to File its Initial Brief and Designation of Matter in the above-referenced matter, along with our check in the amount of \$25.00 representing the required filing fee. We ask that you file the original and return a clocked-in copy to us via our courier.

Sincerely,



William C. Wood, Jr.

WCWJR:rd

Enclosures

cc: Jeffrey L. Payne, Esquire
Robert E. Lee, Esquire
Gary I. Finklea, Esquire

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